

SC NAACP v. Alexander,
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

Exhibit 18

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, ET AL,

Plaintiffs,

vs. Case No. 3:21-CV-03302-MBS-TJH-RMG

HENRY D. MCMASTER, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF SOUTH CAROLINA;
THOMAS C. ALEXANDER, IN HIS OFFICIAL
CAPACITY AS PRESIDENT OF THE SENATE;
LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY
AS CHAIRMAN OF THE SENATE JUDICIARY
COMMITTEE; JAMES H. LUCAS, IN HIS OFFICIAL
CAPACITY AS SPEAKER OF THE HOUSE OF
REPRESENTATIVES; CHRIS MURPHY, IN HIS
OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE
OF REPRESENTATIVES JUDICIARY COMMITTEE;
WALLACE H. JORDAN, IN HIS OFFICIAL CAPACITY
AS CHAIRMAN OF THE HOUSE OF REPRESENTATIVES
ELECTIONS LAW SUBCOMMITTEE; HOWARD KNAPP,
IN HIS OFFICIAL CAPACITY AS INTERIM
EXECUTIVE DIRECTOR OF THE SOUTH CAROLINA
STATE ELECTION COMMISSION; JOHN WELLS, CHAIR,
JOANNE DAY, CLIFFORD J. EDLER, LINDA MCCALL,
AND SCOTT MOSELEY, IN THEIR OFFICIAL CAPACITIES
AS MEMBERS OF THE SOUTH CAROLINA ELECTION
COMMISSION,

Defendants.

DEPOSITION OF: REPRESENTATIVE WM. WESTON J. NEWTON
(Via Videoconference)

DATE: Wednesday, June 22, 2022

TIME: 10:13 a.m.

1 BY MR. TRIVEDI:

2 Q. And intentional discrimination.

3 Correct?

4 MR. MOORE: Objection as to form.

5 THE WITNESS: That's my understanding,
6 yes, sir.

7 BY MR. TRIVEDI:

8 Q. Are you aware that those claims arise
9 under the Fourteenth Amendment of the Constitution
10 and not the Voting Rights Act?

11 MR. MOORE: Objection as to form.

12 THE WITNESS: I am. However, the
13 guidelines include both the Fourteenth Amendment and
14 the Voting Rights Act of 1965.

15 BY MR. TRIVEDI:

16 Q. They do. But preclearance was only
17 under the Voting Rights Act of 1965, so preclearance
18 has nothing to say about racial gerrymandering or
19 intentional discrimination, does it?

20 A. Correct.

21 MR. MOORE: Objection as to form,
22 argumentative.

23 BY MR. TRIVEDI:

24 Q. Does it say anywhere in these guidelines
25 that it is a consideration to increase Republican

1 voting power in any particular district?

2 MR. MOORE: Objection as to form.

3 THE WITNESS: Not that I'm aware of.

4 BY MR. TRIVEDI:

5 Q. Do the guidelines include, as a
6 consideration, making CD1 less competitive for
7 Democrats?

8 MR. MOORE: Objection as to form.

9 THE WITNESS: No.

10 BY MR. TRIVEDI:

11 Q. Or making CD1 more reliably Republican?

12 MR. MOORE: Objection as to form.

13 THE WITNESS: No.

14 BY MR. TRIVEDI:

15 Q. Does it say anything about partisan gain
16 in the guidelines?

17 MR. TRIVEDI: Objection as to form.

18 THE WITNESS: No.

19 BY MR. TRIVEDI:

20 Q. Would it have been appropriate to
21 include that?

22 MR. MOORE: Objection as to form.

23 THE WITNESS: I don't think so. No.

24 BY MR. TRIVEDI:

25 Q. Okay. So that was not a consideration

1 Q. Well, you understand, sir, that's sort
2 of the question in this litigation?

3 A. I get it. But, you know, this wasn't
4 presented as a folly. It was presented as a
5 starting point for us to look at based on the new
6 population numbers and based on the acknowledged
7 recognition of that what CD6 had been and what CD6
8 needed to continue to be was fulfilled by this
9 proposal.

10 Q. Okay. And someone told you that or
11 you're assuming that?

12 A. Well, I don't have any specific recall
13 of somebody telling me that.

14 Q. Do you have any specific recall of
15 someone telling you that they conducted an analysis
16 to determine whether the BVAP level in, for example,
17 CD1 would allow black voters to elect the candidate
18 of their choice? You didn't hear anybody tell that
19 to you?

20 A. No, but I'm comfortable that I have seen
21 a chart that had those -- that BVAP percentage and
22 the numbers in it as it related to a number of these
23 plans.

24 Q. So that chart, are you saying that it
25 contained the BVAP numbers for each district

1 for the purposes of the meeting.

2 Q. Okay. So you didn't know what your
3 authority was in that meeting as chair?

4 A. Well, I mean -- no. It said, you're the
5 chairman to run the meeting. I mean, it was you're
6 a traffic cop, basically.

7 Q. So what is involved? Does that mean you
8 can decide what goes on the agenda?

9 A. Well, no. The agenda had already been
10 sent out. So I'm just a guy that -- you know, just
11 like if the chairman had gotten up and walked out of
12 the meeting and said, Go sit in my chair and run the
13 meeting, I mean I gaveled it into order. I
14 recognized people to talk. You know, when people
15 finished talking I called on the clerk to call for
16 the vote. I mean, you know, effectively it's -- I
17 don't want to diminish it, but, I mean, it's
18 ministerial. It's not like I could have turned
19 around and said, Great. Now I'm going to do all
20 these -- I have got these powers of this committee
21 and I'm going to do big things.

22 Q. Okay. Was a roll call -- was the vote
23 required to come at the end of that meeting?

24 A. Was a roll-call vote required? I'm sure
25 it was.